

HB 407 -- OFFENDER TREATMENT PROGRAMS

CO-SPONSORS: Smith (118), Hampton, Ward, Black, Bearden

COMMITTEE ACTION: Voted "do pass by consent" by the Committee on Corrections and State Institutions by a vote of 14 to 0.

This bill adds alcohol treatment programs to the long-term substance abuse treatment programs to which offenders may be sentenced in lieu of incarceration. The term of sentences for offenders admitted in these programs will be at least 12 months and no more than 24 months.

The bill further requires prior notification by the Division of Probation and Parole to the sentencing court of an offender's completion of a substance abuse program. At that point, the court will determine whether the offender should be placed on probation or have his or her sentence executed.

The bill also allows courts to place offenders with the Department of Corrections in the department's 120-day program. When the department has determined that an offender has successfully completed a program, the offender will be released on probation.

If the department determines that an offender has not been successful in the 120-day program, the department will notify the sentencing court, and the court must determine the future of the offender. In the case of sex offenders, only the court may make the determination regarding probation. The court is authorized to request information and recommendations from the department regarding the potential of sex offenders to reoffend when determining probation.

The participation and completion of a 120-day program will not be considered time served in determining the length of an offender's sentence.

FISCAL NOTE: Estimated Net Savings to General Revenue Fund of \$908,197 in FY 2004, \$2,155,169 in FY 2005, and \$2,494,252 in FY 2006.

PROPOSERS: Supporters say that currently the department has no long-term treatment program. The bill allows the Department of Corrections to make the determinations and place offenders in appropriate drug and alcohol treatment programs. There have also been problems with offenders being placed in 120-day shock treatment programs. In certain cases, at the end of the program the court has not responded to the department's request for disposition of sentence and the offender remains with the

department to serve the entire sentence, thereby wasting treatment and needed bed space. The bill would make the courts more responsive to these cases where offenders have been placed in shock treatment.

Testifying for the bill were Representative Smith (118); Department of Corrections; and Missouri Catholic Conference.

OPPONENTS: There was no opposition voiced to the committee.

Bob Dominique, Legislative Analyst